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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,955	10/05/2000	Karl Freudelsperger	68626	7444

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MCGLEW & TUTTLE, PC
SCARBOROUGH STATION
SCARBOROUGH, NY 10510

EXAMINER

KRIZEK, JANICE LEE

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 01/14/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/647955

Applicant(s)

Freudelsperger et al.

Examiner

Krizek

Group Art Unit

3652

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 9-30-2002
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 34-66 is/are pending in the application.
- Of the above claim(s) # 64-66 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 34-63 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☒ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).
- *Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

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1. Claims 64-66 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 8.

2. The disclosure is objected to because of the following informalities:

In the first line of claim 34, "device" should be deleted;

in the second line, "an commissioning unit with" should be deleted.

In the second line of claim 41, "which is associated with said automatic commissioning unit" should be deleted;

in the third line, "automatic" should be deleted.

In the penultimate line of claim 63, "articles," should be --articles.--;

the last line should be deleted. Appropriate correction is required.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 34-63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "an article-handling device that is movable in space with a stack-of-articles support, which can be positioned in an essentially vertical position with a correspondingly vertical stack of articles picked up in the support", found in lines 9-11 of claim 34, is unclear with respect to how the article-handling device is moved.

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The recitation “a lower individual article ejector, which is displaceable in the transverse direction of the stack and is, said individual article ejector for pushing a lowermost article...or having a stack-of-articles holding-up device...or by said upper individual article ejector”, found in lines 12-18 of claim 34, is ungrammatical and unclear with respect to the functions performed by the article ejector.

There is no antecedent basis for “the transverse direction of the stack” recited in line 13 of claim 34.

The recitation “a vertically adjustable guide for a lower individual article”, found in lines 2-3 of claim 35, is unclear with respect to how the guide is “for” the article.

The recitation “a...clamping plate for elastically clamping a picked-up stack of articles in a transverse direction of the stack”, found in lines 3-4 of claim 36, is unclear with respect to how the stack of articles is clamped by the clamping plate.

There is no antecedent basis for “each operating position” recited in the second line of claim 37.

The recitation “said stack-of-articles support...has a doubly sloped angle sheet iron”, found in lines 1-3 of claim 37, is unclear with respect to the construction of the support.

There is no antecedent basis for “the root of the angle” recited in line 4 of claim 37.

There is no antecedent basis for “the bottom side” recited in lines 4-5 of claim 37.

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The recitation “the stack of article (sic) is supported on...said individual article ejector or on said...device”, found in lines 4-6 of claim 37, is unclear with respect to how the stack is supported.

The recitation “an article-handling unit,...for the removal of articles...from an acceptance region or from and to a supply bay”, found in lines 3-5 of claim 38, is unclear with respect to the functions performed by the article-handling unit.

The recitation “an adjustable...clamping plate,...is located in parallel to and opposite said stack-of-articles pick-up and presses...a stack of articles...in a transverse direction of the stack”, found in lines 4-7 of claim 39, is unclear with respect to the location of and function performed by the clamping plate.

The recitation “said...unit can be displaced via a guide or rail system...at least one stack of articles to be handled is or can be arranged...and the stack of articles reaches an aligned articles pick-up...by displacement...or conversely, it reaches the selected shaft...wherein the guide or rail system also has switches”, found in claim 40, is unclear.

The recitation “the supply bay...is located in the vicinity of said article bay”, found in claim 41, is unclear with respect to the location of the supply bay.

The recitation “the supply bay is a buffer...located in the vicinity of an unpacking station”, found in claim 42, is unclear with respect to the relation between the supply bay and the buffer and with respect to the location of the supply bay.

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The recitation “a...plate, which has a shape of a part of at least one bay level of the supply bay”, found in lines 2-3 of claim 43, is unclear with respect to the form of the plate.

The recitation “said...plate is also displaceable, especially displaceable on a conveyor belt or on a chute and/or rotatably around a said vertical axis by preferably 90° or 180°”, found in claim 44, is unclear with respect to how the plate is displaceable.

The recitation “a hand or foot switch is provided”, found in claim 45, is unclear with respect to the structures which comprise the claimed invention.

The recitation “a gripping arm is provided, which grasps a preferably horizontal stack”, found in the second line of claim 46, is unclear with respect to the function performed by the gripping arm.

The recitation “the supply bay has angle sheet irons arranged next to one another in one or more planes”, found in claim 47, is unclear with respect to the arrangement of the angle sheet irons.

There is no antecedent basis for “the longitudinal direction” recited in lines 2-3 of claim 48.

The recitation “a detachable, preferably depressible article stop is provided”, found in lines 5-6 of claim 48, is unclear.

There is no antecedent basis for “the longitudinal direction” and “the transverse direction” recited in the second and third lines respectively of claim 49.

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The recitation “the stop of the article-handling unit may also be the adjustable longitudinal stack-of-articles pusher itself”, found in lines 3-4 of claim 56, is unclear.

The recitation “said stack-of-articles pick-up...at an acceptance region have the same designs in terms of length, width, wherein said higher-level supply bay and/or said buffer may also have different sizes”, found in claim 57, is unclear.

The recitation “a slope in the depth of the shaft or in the longitudinal direction of the shaft...wherein said transverse rail is rigidly or telescopically fastened”, found in lines 3-5 of claim 58, is unclear.

There is no antecedent basis for “said adjustable second longitudinal stack-of-articles pusher of its own” recited in lines 4-5 of claim 59.

The recitation “articles can be conveyed...from a buffer or from the...pick-up...and loaded and removed, and a separate, vertically adjustable article bay loading unit, which is in turn divided...and has, on the one hand,...and, on the other hand, a gripping unit or stack-of-articles support”, found in lines 5-11 of claim 59, is unclear.

The recitation in lines 1-2 of claim 62 is ungrammatical.

The recitation “at least one...unit is provided,...at an acceptance region, a buffer and/or a higher-level supply bay or can be displaced thereto and can take over or transfer stacks”, found in lines 1-4 of claim 63, is unclear.

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.


6. Claims 34-63 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Neukam (EP 0 795 495).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Janice Krizek whose telephone number is (703) 308-2026. The examiner can normally be reached on Mondays through Fridays from 9:30 a.m. to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis, can be reached at (703) 308-3248. The fax numbers for Technology Center 3600 are (703) 872-9326 (for responses before final rejection), (703) 872-9327 (for responses after final rejection) and (703) 872-9325 (for customer service).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Center receptionist whose telephone number is (703) 308-1113.

jlk
January 13, 2003


Janice L. Krizek
Primary Examiner
Technology Center 3600